

**A-Engrossed**  
**House Bill 2166**

Ordered by the House June 7  
Including House Amendments dated June 7

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Office of the Governor)

**SUMMARY**

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Directs Superintendent of Public Instruction to convene advisory group to review equity in education system of state and to report results of review to interim committee of Legislative Assembly related to education.]*

*[Sunsets December 31, 2021.]*

**Establishes Early Childhood Suspension and Expulsion Prevention Program. Directs Early Learning Division to administer program. Requires persons certified or registered by Office of Child Care to comply with provisions of program.**

**Directs State Board of Education to adopt social emotional learning standards and statewide social emotional framework. Directs Department of Education to convene advisory group for purposes of adopting standards and framework.**

**Expands State Board of Education rulemaking authority to include authority to adopt rules for public kindergartens and public elementary and secondary schools consistent with goal of increasing educator diversity.**

**Authorizes Teacher Standards and Practices Commission to approve certain educator preparation programs that are nontraditional pathway to licensure. Expands types of entities that may sponsor or provide approved educator preparation programs.**

**Increases amount of scholarships awarded by Higher Education Coordinating Commission to culturally and linguistically diverse teacher candidates.**

**Modifies requirements related to parties and contents of intergovernmental agreement establishing Educator Advancement Council. Prescribes council membership requirements.**

**Authorizes Department of Education to award grants from Statewide Education Initiatives Account to certain eligible public charter schools. Prescribes requirements related to application and use of grants.**

Declares emergency, effective *[on passage]* **July 1, 2021.**

**A BILL FOR AN ACT**

1  
2 Relating to education equity; creating new provisions; amending ORS 326.051, 327.254, 329A.280,  
3 329A.330, 342.120, 342.147, 342.437, 342.940 and 348.295 and sections 4 and 5, chapter 756, Oregon  
4 Laws 2015; and declaring an emergency.

5 Whereas an equitable system of education means a system that enables every child to have an  
6 equal chance for success in education; and

7 Whereas an equitable system of education must take into consideration the whole child, includ-  
8 ing the child's background, personal characteristics, family situation, mental health and social emo-  
9 tional development; and

10 Whereas all children deserve to receive high quality, culturally responsive, developmentally ap-  
11 propriate and inclusive early childhood care and education regardless of race, ethnicity, language  
12 or disability; and

13 Whereas not all children are given the same opportunity to succeed in education, as children  
14 in early childhood care or education programs are disproportionately disciplined based on race,

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ethnicity, language or disability; and

2 Whereas there are limited opportunities for early childhood care and education professionals  
3 who serve some of this state's most vulnerable low income families to access professional develop-  
4 ment resources that are culturally specific or language diverse or that are related to behavioral  
5 health; and

6 Whereas providing resources and professional development to early childhood care professionals  
7 and educators could improve equity in education by reducing the disproportionate imposition of  
8 discipline, including suspension and expulsion; and

9 Whereas social emotional learning is a central component of an integrated model of mental and  
10 emotional health that also includes racial equity, trauma-informed principles and practices and  
11 strengths-based multitiered systems of support; and

12 Whereas social emotional learning skills, in conjunction with racial equity, trauma-informed  
13 principles and practices and strengths-based multitiered systems of support, can contribute signif-  
14 icantly to mental and emotional health and overall health promotion and can be an integral part  
15 of school culture, climate, safety and mental and physical health promotion efforts; and

16 Whereas social emotional learning skills, in conjunction with racial equity, trauma-informed  
17 principles and practices and strengths-based multitiered systems of support, can enable school com-  
18 munities to create just, equitable and inclusive cultures in which all students, staff and leaders be-  
19 long and feel respected, valued and affirmed in their individual and intersectional interests, talents,  
20 social identities, cultural values and backgrounds; and

21 Whereas social emotional learning skills, in conjunction with racial equity, trauma-informed  
22 principles and practices and strengths-based multitiered systems of support, can help schools culti-  
23 vate understanding, examine biases, reflect on and address the impact of racism, build cross-cultural  
24 relationships and foster adult and student practices that close opportunity gaps and create more  
25 inclusive school communities that deliver high quality educational opportunities and outcomes for  
26 all students; and

27 Whereas social emotional learning should be incorporated into all academic content standards  
28 as part of an integrated model of mental and emotional health, with the explicit goal being to pro-  
29 mote antiracism and educational equity and to create conditions for all students to thrive; and

30 Whereas this state's commitment to equity includes a culturally responsive educator workforce,  
31 which requires a vigorous and comprehensive commitment to relevant professional development and  
32 supports for educators who are serving this state's diverse learners; and

33 Whereas high quality educator preparation and ongoing, effective professional development and  
34 supports for educators are critical variables to an equitable education system, excellent teaching,  
35 educator retention and improved learning and development; and

36 Whereas recent actions taken by the Legislative Assembly have emphasized the need to address  
37 professional development for educators who serve children and students in early childhood and in  
38 kindergarten through grade 12; and

39 Whereas this state seeks to recruit and retain more diverse educators for the purposes of en-  
40 hancing the capacity of all educators to create safe, equitable and inclusive learning environments  
41 and addressing institutional racism that limits opportunities for many children and students; now,  
42 therefore,

43 **Be It Enacted by the People of the State of Oregon:**

44  
45 **EARLY CHILDHOOD SUSPENSION AND EXPULSION PREVENTION**

1       **SECTION 1.** (1) The Early Childhood Suspension and Expulsion Prevention Program is  
2 established. The Early Learning Division shall administer the program as provided by this  
3 section.

4       (2) The purposes of the Early Childhood Suspension and Expulsion Prevention Program  
5 are to:

6       (a) Reduce the use of suspension and expulsion in early childhood care and education  
7 programs; and

8       (b) Reduce disparities in the use of suspension and expulsion in early childhood care and  
9 education programs based on race, ethnicity, language, ability or any other protected class  
10 identified by the Early Learning Council by rule.

11       (3) The Early Childhood Suspension and Expulsion Prevention Program shall achieve the  
12 purposes described in subsection (2) of this section by:

13       (a) Incorporating into early childhood care and education programs racial equity,  
14 trauma-informed principles and practices and strengths-based multitiered systems of sup-  
15 port;

16       (b) Supporting the capacity of families, educators and early childhood care and education  
17 professionals to promote children’s social emotional well-being and growth;

18       (c) Creating a source for early childhood care and education professionals to request  
19 technical assistance related to children’s social emotional well-being and growth;

20       (d) Building capacity in communities to deliver technical assistance that supports:

21       (A) Children’s social emotional development;

22       (B) Children’s positive racial identity development;

23       (C) Antibias practices in early childhood care and education programs; and

24       (D) Inclusive practices in early childhood care and education programs;

25       (e) Enhancing community-based supports for families that have a history of trauma, are  
26 involved in multiple systems of support or need connection to intervention services;

27       (f) Providing early childhood care and education professionals with access to technical  
28 assistance to support the stability of placements in early childhood care and education pro-  
29 grams; and

30       (g) Developing and supporting practices that reduce the use of suspension or expulsion.

31       (4) Under the Early Childhood Suspension and Expulsion Prevention Program, the Early  
32 Learning Division shall establish:

33       (a) Common definitions related to antibias practices in early childhood care and educa-  
34 tion;

35       (b) Common definitions related to inclusive practices in early childhood care and educa-  
36 tion;

37       (c) Common definitions and guidelines for early childhood care and education suspension  
38 and expulsion;

39       (d) Standards and guidelines for program administration and for the delivery of technical  
40 assistance services that are culturally responsive and that ensure technical assistance is  
41 implemented with a focus on antibias and inclusive practices;

42       (e) Requirements for knowledge, skills and competencies for technical assistance spe-  
43 cialists and mental health consultants participating in the program, with a focus on racial  
44 equity, the science of child development, trauma-informed principles and practices, social  
45 emotional learning principles, antibias practices and inclusive practices;

1 (f) Standards for data collection and evaluation to assess the impacts of the program,  
2 including eliminating disparities in exclusionary practices based on race, ethnicity, language,  
3 ability or other protected classes; and

4 (g) Requirements that early childhood care and education programs certified or regis-  
5 tered under ORS 329A.280 or 329A.330, or receiving public funding for early childhood care  
6 and education services, must request services from the Early Childhood Suspension and Ex-  
7 pulsion Prevention Program when a young child in an early childhood care or education  
8 program is facing potential expulsion.

9 (5) In support of the Early Childhood Suspension and Expulsion Prevention Program, the  
10 Early Learning Division shall coordinate with the Oregon Health Authority to develop a plan  
11 for integrated mental and behavioral health and social and emotional supports for children  
12 and families, including establishing a resource list of diverse, community-based mental  
13 health consultants to support the goals of the suspension and expulsion program.

14 (6) The Early Learning Council may adopt any rules necessary for the administration of  
15 this section.

16 **SECTION 2.** ORS 329A.280 is amended to read:

17 329A.280. (1) A person may not operate a child care facility, except a facility subject to the  
18 registration requirements of ORS 329A.330, without a certification for the facility from the Office  
19 of Child Care.

20 (2) The Early Learning Council shall adopt rules for the certification of a family child care home  
21 caring for not more than 16 children. The rules shall be specifically adopted for the regulation of  
22 certified child care facilities operated in a facility constructed as a single-family dwelling.  
23 Notwithstanding fire and other safety regulations, the rules that the council adopts for certified  
24 child care facilities shall set standards that can be met without significant architectural modifica-  
25 tion of a typical home. In adopting the rules, the council may consider and set limits according to  
26 factors including the age of children in care, the ambulatory ability of children in care, the number  
27 of the provider's children present, the length of time a particular child is continuously cared for and  
28 the total amount of time a particular child is cared for within a given unit of time. **The rules must**  
29 **require compliance with the provisions of section 1 of this 2021 Act.**

30 (3) In addition to rules adopted for and applied to a certified family child care home providing  
31 child care for not more than 16 children, the council shall adopt and apply separate rules appro-  
32 priate for any child care facility that is a child care center.

33 (4) Any person seeking to operate a child care facility may apply for a certification for the fa-  
34 cility from the Office of Child Care and receive a certification upon meeting certification require-  
35 ments.

36 (5) A facility described in ORS 329A.250 (5)(d) may, but is not required to, apply for a certi-  
37 fication under this section and receive a certification upon meeting certification requirements.

38 **SECTION 3.** ORS 329A.330 is amended to read:

39 329A.330. (1) A provider operating a family child care home where care is provided in the family  
40 living quarters of the provider's home that is not subject to the certification requirements of ORS  
41 329A.280 may not operate a child care facility without registering with the Office of Child Care.

42 (2) A child care facility holding a registration may care for a maximum of 10 children, including  
43 the provider's own children. Of the 10 children:

44 (a) No more than six may be younger than school age; and

45 (b) No more than two may be 24 months of age or younger.

1 (3)(a) To obtain a registration, a provider must apply to the Office of Child Care by submitting  
2 a completed application work sheet and a nonrefundable fee. The fee shall vary according to the  
3 number of children for which the facility is requesting to be registered, and shall be determined and  
4 applied through rules adopted by the Early Learning Council under ORS 329A.275. The fee shall be  
5 deposited as provided in ORS 329A.310 (2). The office may waive any or all of the fee if the office  
6 determines that imposition of the fee would impose a hardship on the provider.

7 (b) Upon receipt of an initial or renewal application satisfactory to the office, the office shall  
8 conduct an on-site review of the child care facility under this section. The on-site review shall be  
9 conducted within 30 days of the receipt of a satisfactory application.

10 (4) The office shall issue a registration to a provider operating a family child care home if:

11 (a) The provider has completed a child care overview class administered by the office;

12 (b) The provider has completed two hours of training on child abuse and neglect issues;

13 (c) The provider is currently certified in infant and child first aid and cardiopulmonary resus-  
14 citation;

15 (d) The provider is certified as a food handler under ORS 624.570; and

16 (e) The office determines that the application meets the requirements of ORS 181A.200, 329A.030  
17 and 329A.250 to 329A.450 and the rules promulgated pursuant to ORS 181A.195, 181A.200, 181A.215,  
18 329A.030 and 329A.250 to 329A.450, and receives a satisfactory records check, including criminal  
19 records and protective services records.

20 (5) Unless the registration is revoked as provided in ORS 329A.350, the registration is valid for  
21 a period of two years from the date of issuance. The office may not renew a registration of a pro-  
22 vider operating a family child care home unless the provider:

23 (a) Is currently certified in infant and child first aid and cardiopulmonary resuscitation;

24 (b) Has completed a minimum of eight hours of training related to child care during the most  
25 recent registration period; *[and]*

26 (c) Is certified as a food handler under ORS 624.570[.]; **and**

27 **(d) When applicable, has complied with the requirements of section 1 of this 2021 Act**  
28 **prior to imposing an expulsion.**

29 (6) A registration authorizes operation of the facility only on the premises described in the  
30 registration and only by the person named in the registration.

31 (7) The Early Learning Council shall adopt rules:

32 (a) Creating the application work sheet required under subsection (3) of this section;

33 (b) Defining full-time and part-time care;

34 (c) Establishing under what circumstances the adult to child ratio requirements may be tempo-  
35 rarily waived; and

36 (d) Establishing health and safety procedures and standards on:

37 (A) The number and type of toilets and sinks available to children;

38 (B) Availability of steps or blocks for use by children;

39 (C) Room temperature;

40 (D) Lighting of rooms occupied by children;

41 (E) Glass panels on doors;

42 (F) Condition of floors;

43 (G) Availability of emergency telephone numbers; and

44 (H) Smoking.

45 (8) The office shall adopt the application work sheet required by subsection (3) of this section.

1 The work sheet must include, but need not be limited to, the following:

2 (a) The number and ages of the children to be cared for at the facility; and

3 (b) The health and safety procedures in place and followed at the facility.

4 (9)(a) If the Office of Child Care determines that it is necessary to protect the health and safety  
5 of the children for whom a child care facility is to provide care, the office may impose a condition  
6 on the facility's registration that is reasonably designed to protect the health and safety of children.  
7 The office may impose a condition during the application process for an initial registration, during  
8 the application process for a renewal of a registration or at any time after the issuance of a regis-  
9 tration.

10 (b) Except as provided in paragraph (c) of this subsection, when the office imposes a condition  
11 on a child care facility's registration, the facility shall be afforded an opportunity for a hearing  
12 consistent with the provisions of ORS chapter 183.

13 (c)(A) If the office finds a serious danger to the health and safety of the children receiving care  
14 at a child care facility, the office shall notify the facility of the specific reasons for the finding and  
15 may impose an emergency condition on the facility's registration without a hearing.

16 (B) If the facility demands a hearing within 90 days after the office notifies the facility of the  
17 emergency condition, a hearing consistent with the provisions of ORS chapter 183 must be granted  
18 to the facility as soon as practicable after the demand and the agency shall issue an order consistent  
19 with the provisions of ORS chapter 183 confirming, altering or revoking the order imposing the  
20 emergency condition.

21 (10) The office, upon good cause shown, may waive one or more of the registration requirements.  
22 The office may waive a requirement only if appropriate conditions or safeguards are imposed to  
23 protect the welfare of the children and the consumer interests of the parents of the children. The  
24 office may not waive the on-site review requirement for applicants applying for an initial registra-  
25 tion or renewal of a registration.

26 (11) The Early Learning Council, by rule, shall develop a list of recommended standards con-  
27 sistent with standards established by professional organizations regarding child care programs for  
28 child care facilities. Compliance with the standards is not required for a registration, but the office  
29 shall encourage voluntary compliance and shall provide technical assistance to a child care facility  
30 attempting to comply with the standards. The child care facility shall distribute the list of recom-  
31 mended minimum standards to the parents of all children cared for at the facility.

32 (12) In adopting rules relating to registration, the Early Learning Council shall consult with the  
33 appropriate legislative committee in developing the rules to be adopted. If the rules are being  
34 adopted during a period when the Legislative Assembly is not in session, the Early Learning Council  
35 shall consult with the appropriate interim legislative committee.

36  
37 **SOCIAL EMOTIONAL LEARNING STANDARDS**

38  
39 **SECTION 4. (1) The Department of Education, in consultation with the Early Learning**  
40 **Division and the Teacher Standards and Practices Commission, shall convene an advisory**  
41 **group to propose for adoption by the State Board of Education:**

42 (a) **Social emotional learning standards for public school students in kindergarten**  
43 **through grade 12; and**

44 (b) **A statewide social emotional framework for public school students in kindergarten**  
45 **through grade 12.**

1 (2) The standards and framework proposed by the advisory group must:

2 (a) Be developmentally appropriate;

3 (b) Align with other models and practices of the department related to mental health;

4 (c) Include racial equity and trauma-informed principles and practices within strengths-  
5 based multitiered systems of support;

6 (d) Increase public school students' social emotional development;

7 (e) Promote self-awareness, awareness of others, critical thinking and understanding re-  
8 garding the interaction between systemic social structures and histories, contributions and  
9 perspectives of individuals who:

10 (A) Are Alaska Native, Native American, Black, African American, Asian, Native  
11 Hawaiian, Pacific Islander, Latinx or Middle Eastern;

12 (B) Are women;

13 (C) Have disabilities;

14 (D) Are immigrants or refugees;

15 (E) Are lesbian, gay, bisexual, transgender, queer, two-spirit, intersex, asexual, nonbinary  
16 or another minority gender identity or sexual orientation; or

17 (F) Have experienced disproportionate results in education due to historical practices;  
18 and

19 (f) Promote the creation of school cultures that support kindness, care, connection, eq-  
20 uity, diversity and inclusion.

21 (3) The advisory group shall submit a report to the board that describes the proposed  
22 standards and framework. The board shall consider the report when adopting the standards  
23 and framework.

24 (4) Subject to the direction from the board, the department shall determine the number  
25 and frequency of meetings to be held by the advisory group prior to the submission of the  
26 report required under subsection (3) of this section.

27 **SECTION 5.** (1) The Department of Education shall convene the advisory group required  
28 by section 4 of this 2021 Act no later than September 1, 2021.

29 (2) The report required under section 4 of this 2021 Act must be submitted to the State  
30 Board of Education no later than September 15, 2022.

31 (3) The board shall adopt social emotional learning standards and the social emotional  
32 framework described in section 4 of this 2021 Act no later than September 15, 2023.

33 (4) The board shall require school districts to implement the standards and framework  
34 no later than July 1, 2024.

35 **SECTION 6.** Sections 4 and 5 of this 2021 Act are repealed on January 2, 2025.

36  
37 **EDUCATOR EQUITY**

38  
39 **SECTION 7.** ORS 342.437 is amended to read:

40 342.437. (1) As a result of this state's commitment to equality for the diverse peoples of this  
41 state, the goal of the state is that the percentage of diverse educators employed by a school district  
42 or an education service district reflects the percentage of diverse students in the public schools of  
43 this state or the percentage of diverse students in the district.

44 (2) [*The Department of Education*] **The State Board of Education, in consultation with the**  
45 **Educator Advancement Council,** shall use federal reports on educator equity to monitor school

1 district and education service district progress on meeting the goal described in subsection (1) of  
2 this section, in relation to the recruitment, hiring and retention of diverse educators.

3 **SECTION 8.** ORS 326.051 is amended to read:

4 326.051. Subject to ORS 417.300 and 417.305:

5 (1) In addition to such other duties as are prescribed by law and pursuant to the requirement  
6 of ORS chapter 183, the State Board of Education shall:

7 (a) Establish state standards for public kindergartens and public elementary and secondary  
8 schools consistent with the policies stated in ORS 326.011.

9 (b) Adopt rules for the general governance of public kindergartens and public elementary and  
10 secondary schools.

11 (c) Prescribe required or minimum courses of study.

12 **(d) Adopt rules for public kindergartens and public elementary and secondary schools**  
13 **consistent with the policy stated in ORS 342.437.**

14 [(d)] (e) Adopt rules regarding school and interscholastic activities.

15 [(e)] (f) Adopt rules that provide that no public elementary or secondary school shall discrimi-  
16 nate in determining participation in interscholastic activities. As used in this paragraph, “discrimi-  
17 nation” has the meaning given that term in ORS 659.850.

18 [(f)] (g) Adopt rules that will eliminate the use and purchase of elemental mercury, mercury  
19 compounds and mercury-added instructional materials by public elementary and secondary schools.

20 (2) The State Board of Education may:

21 (a) Consistent with the laws of this state, accept money or property not otherwise provided for  
22 under paragraph (b) of this subsection, which is donated for the use or benefit of the public  
23 kindergartens and public elementary and secondary schools and use such money or property for the  
24 purpose for which it was donated. Until it is used, the board shall deposit any money received under  
25 this paragraph in a special fund with the State Treasurer as provided in ORS 293.265 to 293.275.

26 (b) Apply for federal funds and accept and enter into any contracts or agreements on behalf of  
27 the state for the receipt of such funds from the federal government or its agencies for:

28 (A) Educational purposes, including but not limited to any funds available for the school lunch  
29 program;

30 (B) Career and technical education programs in public elementary and secondary schools; and

31 (C) Any grants available to the state or its political subdivisions for general federal aid for  
32 public kindergartens, public elementary schools and public secondary schools and their auxiliary  
33 services, improvement of teacher preparation, teacher salaries, construction of school buildings, ad-  
34 ministration of the Department of Education and any other educational activities under the juris-  
35 diction of the State Board of Education.

36 (c) Adopt rules to administer the United States Department of Agriculture’s National School  
37 Lunch Program and School Breakfast Program for public and private prekindergarten through grade  
38 12 schools and residential child care facilities.

39 **SECTION 9.** ORS 342.147, as amended by section 8, chapter 756, Oregon Laws 2015, and section  
40 2, chapter 317, Oregon Laws 2017, is amended to read:

41 342.147. [(1)(a)] (1) The Teacher Standards and Practices Commission shall establish by rule  
42 standards for approval of educator preparation providers and educator preparation programs.

43 **(2) Standards for approval of an educator preparation provider may allow approval of an**  
44 **institution of higher education, a school district in this state, an education service district**  
45 **in this state or any other entity in this state that sponsors or provides an educator prepa-**



1 **ration program.**

2 [(b)] (3)(a) Standards for approval of an educator preparation program must include:

3 (A) Requiring an educator preparation program to be accredited by a national organization that  
4 represents teachers, policymakers and teacher educators and that provides accreditation based on  
5 nationally recognized standards and on evidence-based measures; and

6 (B) Approving a public educator preparation program of more than four years' duration only if  
7 educator preparation programs that are reasonably attainable in a four-year period, **or the equiv-**  
8 **alent**, are also available in the system of higher education and are designed to culminate in a  
9 baccalaureate degree that qualifies their graduates for entry-level teaching licenses.

10 [(c)] (b) Standards for approval of an educator preparation program for early childhood educa-  
11 tion, elementary education, special education or reading must require that:

12 (A) The program provide instruction on dyslexia and other reading difficulties; and

13 (B) The instruction on dyslexia be consistent with the knowledge and practice standards of an  
14 international organization on dyslexia.

15 **(4)(a) Notwithstanding subsection (3)(a)(A) of this section, standards for approval of an**  
16 **educator preparation program may allow an educator preparation program to operate provi-**  
17 **sionally without accreditation by a national organization if the educator preparation program**  
18 **is:**

19 (A) Offered by an accredited educator preparation provider; or

20 (B) A nontraditional pathway to licensure program offered by an educator preparation  
21 provider, regardless of whether the educator preparation provider is accredited.

22 (b) A nontraditional pathway to licensure program shall be considered an approved edu-  
23 cator preparation program if the nontraditional pathway to licensure program complies with  
24 standards established by the commission. The commission shall establish standards for non-  
25 traditional pathway to licensure programs that:

26 (A) Are substantially similar to the standards under subsection (3)(a) of this section;

27 (B) Require the commission to consider the current efforts of educator preparation pro-  
28 grams to serve the same educator workforce as the proposed nontraditional pathway to  
29 licensure program; and

30 (C) Require the proposed nontraditional pathway to licensure program to submit to the  
31 commission a preoperational capacity review from a national accrediting organization that  
32 is approved by the commission.

33 (c)(A) Nothing in this subsection requires a nontraditional pathway to licensure program  
34 to:

35 (i) Culminate in the granting of a degree; or

36 (ii) Prohibit a candidate from being employed as an educator while participating in the  
37 program.

38 (B) Nothing in this subsection prevents an accredited educator preparation provider from  
39 offering a nontraditional pathway to licensure.

40 (d) An approved educator preparation program that operates provisionally as provided  
41 by this subsection may not operate provisionally for more than four years from the date that  
42 the educator preparation program first received approval to operate provisionally.

43 [(2)] (5) The commission shall adopt rules that:

44 (a) Require approved educator preparation programs for early childhood education, elementary  
45 education, special education or reading to demonstrate that candidates enrolled in the programs

1 receive training to provide instruction that enables students to meet or exceed third-grade reading  
 2 standards and become proficient readers by the end of the third grade, as designated by the State  
 3 Board of Education. For the purposes of this paragraph, an approved educator preparation program  
 4 may make the demonstration through course curriculum, approved textbooks or other program re-  
 5 quirements.

6 (b) Allow approved educator preparation programs leading to graduate degrees to commence  
 7 prior to the candidate's completion of baccalaureate degree requirements and to combine under-  
 8 graduate and graduate level course work in achieving program completion.

9 [(3)] (6) Whenever any educator preparation provider or educator preparation program is denied  
 10 approved status or has such status withdrawn, the denial or withdrawal must be treated as a con-  
 11 tested case under ORS chapter 183.

12 [(4)] (7) Nothing in this section is intended to grant to the Teacher Standards and Practices  
 13 Commission any authority relating to granting degrees or establishing degree requirements that are  
 14 within the authority of the Higher Education Coordinating Commission or any of the public uni-  
 15 versities listed in ORS 352.002, or that are within the authority of the governing board of any pri-  
 16 vate institution of higher education.

17 **SECTION 10.** Section 4, chapter 756, Oregon Laws 2015, as amended by section 10, chapter 756,  
 18 Oregon Laws 2015, is amended to read:

19 **Sec. 4.** (1) The Teacher Education Program Accreditation Account is established in the State  
 20 Treasury, separate and distinct from the General Fund. Interest earned by the Teacher Education  
 21 Program Accreditation Account shall be accredited to the account.

22 (2) Moneys in the Teacher Education Program Accreditation Account are continuously approp-  
 23 riated to the Teacher Standards and Practices Commission to award grants to educator preparation  
 24 programs for the purpose of having the programs accredited by the organization described in ORS  
 25 342.147 [(1)(b)(A)] (3)(a)(A), as amended by section 8 [of this 2015 Act], **chapter 756, Oregon Laws**  
 26 **2015, section 2, chapter 317, Oregon Laws 2017, and section 9 of this 2021 Act.**

27 **SECTION 11.** Section 5, chapter 756, Oregon Laws 2015, is amended to read:

28 **Sec. 5.** (1) The Teacher Education Program Accreditation Account established by section 4 [of  
 29 this 2015 Act], **chapter 756, Oregon Laws 2015**, is abolished on July 1, [2022] **2025**.

30 (2) Any moneys remaining in the account on July 1, [2022] **2025**, that are unexpended, unobl-  
 31 igated and not subject to any conditions shall be transferred to the General Fund on July 1, [2022]  
 32 **2025**.

33 **SECTION 12.** ORS 342.120 is amended to read:

34 342.120. As used in this chapter, unless the context requires otherwise:

35 (1) "Administrator" includes but is not limited to all superintendents, assistant superintendents,  
 36 principals and academic program directors in public schools or education service districts who have  
 37 direct responsibility for supervision or evaluation of licensed teachers and who are compensated for  
 38 their services from public funds.

39 (2) "Administrative license" means a license issued under ORS 342.125 (3)(f) or (g).

40 (3) "Approved educator preparation program" means a licensure program that:

41 (a) **Prepares persons to become educators in any grade from preprimary through grade**  
 42 **12;**

43 (b) Is offered by an approved educator preparation provider [and]; **and**

44 (c) Meets the standards of the Teacher Standards and Practices Commission, **as provided by**  
 45 **ORS 342.147.**

1 (4) “Approved educator preparation provider” means *[an entity]* **a sponsor or provider of an**  
2 **educator preparation program** that meets the standards of the Teacher Standards and Practices  
3 Commission *[for preparation of licensed educators for preprimary programs through grade 12]*, **as**  
4 **provided by ORS 342.147.**

5 (5) “Instruction” includes preparation of curriculum, assessment and direction of learning in  
6 class, in small groups, in individual situations, online, in the library and in guidance and counseling,  
7 but does not include the provision of related services, as defined in ORS 343.035, to a child identified  
8 as a child with a disability pursuant to ORS 343.146 to 343.183 when provided in accordance with  
9 ORS 343.221.

10 (6) “Instructional assistant” means a classified school employee who does not require a license  
11 to teach, who is employed by a school district or education service district and whose assignment  
12 consists of and is limited to assisting a licensed teacher in accordance with rules established by the  
13 Teacher Standards and Practices Commission.

14 (7) “Teacher” includes all licensed employees in the public schools or employed by an education  
15 service district who have direct responsibility for instruction or coordination of educational pro-  
16 grams and who are compensated for their services from public funds. “Teacher” does not include a  
17 school nurse as defined in ORS 342.455 or an instructional assistant.

18 (8) “Teaching license” means a license issued under ORS 342.125 or 342.144.

19 (9) “Underrepresented person” means:

20 (a) A person having origins in any of the black racial groups of Africa, but who is not Hispanic;

21 (b) A person of Hispanic culture or origin;

22 (c) A person having origins in any of the original peoples of the Far East, Southeast Asia, the  
23 Indian subcontinent or the Pacific Islands; or

24 (d) An American Indian or *[Alaskan]* **Alaska** Native having origins in any of the original peoples  
25 of North America.

26 **SECTION 13.** ORS 348.295 is amended to read:

27 348.295. (1) In addition to any other form of student financial aid authorized by law, the Higher  
28 Education Coordinating Commission may award scholarships to culturally and linguistically diverse  
29 teacher candidates to use at approved educator preparation providers, as defined in ORS 342.120, for  
30 the purpose of advancing the goal described in ORS 342.437.

31 (2) Scholarships awarded under this section shall be in amounts of *[\$5,000]* **\$10,000** each aca-  
32 demic year, for a maximum of two academic years.

33 (3) The commission shall adopt rules necessary for the implementation and administration of this  
34 section in consultation with the Educator Advancement Council and the Department of Education.

35 **SECTION 14.** ORS 342.940 is amended to read:

36 342.940. (1) As used in this section and ORS 342.943, “educator” means a teacher, administrator  
37 or other school professional who is licensed, registered or certified by the Teacher Standards and  
38 Practices Commission.

39 *[(2)(a) The Educator Advancement Council is created, as provided by ORS 190.010 (5) and with the*  
40 *authority described in ORS 190.110, for the purposes of providing resources related to educator pro-*  
41 *fessional learning and other educator supports.]*

42 *[(b) The council shall function through an intergovernmental agreement, as provided by ORS*  
43 *190.003 to 190.130. The intergovernmental agreement shall outline the governance framework and the*  
44 *administrative details necessary for the efficient and effective implementation of the duties of the coun-*  
45 *cil.]*

1       [(3)(a) *The council shall consist of members who are representatives of the members of the inter-*  
2 *governmental agreement creating the council, including representatives of state agencies, school districts*  
3 *and education service districts].*

4       [(b) *In addition to the members of the council specified in paragraph (a) of this subsection, the*  
5 *council shall consist of members who are:]*

6       [(A) *Practicing educators, early learning providers and professionals and school district board*  
7 *members; and]*

8       [(B) *Representatives of educator preparation providers, education-focused nonprofit organizations,*  
9 *education-focused philanthropic organizations, professional education associations, community-based*  
10 *education organizations that represent families and students, post-secondary institutions of education*  
11 *and federally recognized tribes of this state.]*

12       [(c) *The majority of the members of the council identified under paragraphs (a) and (b) of this*  
13 *subsection may identify additional members of the council.]*

14       **(2) The Educator Advancement Council shall be established and function under an inter-**  
15 **governmental agreement, pursuant to ORS 190.003 to 190.130. The purposes of the council are**  
16 **to provide resources related to educator professional learning and to provide other educator**  
17 **supports.**

18       **(3) Parties to the intergovernmental agreement establishing the council must include:**

19       **(a) The Department of Education;**

20       **(b) The Early Learning Division;**

21       **(c) The Teacher Standards and Practices Commission;**

22       **(d) The Higher Education Coordinating Commission;**

23       **(e) A school district; and**

24       **(f) An education service district.**

25       **(4) The intergovernmental agreement establishing the council shall outline the**  
26 **governance framework and the administrative details necessary for the efficient and effec-**  
27 **tive implementation of the duties of the council, including:**

28       **(a) Designating the maximum number of members of the council.**

29       **(b) Identifying the process for the council to select the chairperson of the council. The**  
30 **chairperson must be one of the members of the council and shall be responsible for over-**  
31 **seeing official council business.**

32       **(c) Identifying the process for the council to appoint the executive director of the council.**  
33 **Appointment of the executive director must be by written order, filed with the Secretary of**  
34 **State, and the executive director shall serve at the pleasure of the council. The executive**  
35 **director shall be responsible for the daily operations of the council, including the appoint-**  
36 **ment of all subordinate officers and employees of the council. Officers and employees of the**  
37 **council shall be considered persons in state service for purposes of ORS chapter 240, and,**  
38 **subject to ORS chapter 240, the executive director shall prescribe their duties and fix their**  
39 **compensation.**

40       **(5)(a) The council shall consist of:**

41       **(A) Members who are representatives of the parties to the intergovernmental agreement**  
42 **establishing the council, as identified in subsection (3) of this section.**

43       **(B) No more than 10 members who are practicing educators, early learning providers and**  
44 **professionals and school district board members.**

45       **(C) No more than 10 members who are representatives of educator preparation providers,**

1 **education-focused nonprofit organizations, education-focused philanthropic organizations,**  
2 **professional education associations, community-based education organizations that represent**  
3 **families and students, post-secondary institutions of education and federally recognized In-**  
4 **dian tribes of this state.**

5 **(b) Subject to any limits designated as provided by the intergovernmental agreement es-**  
6 **tablishing the council, the majority of the members of the council identified under paragraph**  
7 **(a) of this subsection may propose additional members of the council. The inclusion of addi-**  
8 **tional members on the council shall be subject to the procedures established by the council**  
9 **under the intergovernmental agreement.**

10 [(4)] (6) The council shall:

11 (a) Establish a system of educator networks, as described in ORS 342.943, by which every edu-  
12 cator in this state has access to professional learning opportunities;

13 (b) Coordinate the distribution of moneys to educator networks from the Educator Advancement  
14 Fund based on the needs of the educators identified by the networks;

15 (c) Connect educator networks and facilitate communications within and among the networks  
16 to improve teaching and learning; and

17 (d) Continuously assess the needs of educators in this state and coordinate priorities based on  
18 the moneys available for distribution from the Educator Advancement Fund.

19 [(5)] (7) The Department of Education shall provide support to the strategic direction of the  
20 council by:

21 (a) Conducting and coordinating research to monitor:

22 (A) Teaching and learning conditions;

23 (B) Educator workforce supply and demand; and

24 (C) Common outcomes and measures anticipated to promote improvement in teaching and  
25 learning.

26 (b) Assisting the council in coordinating and connecting educator networks, supporting profes-  
27 sional learning priorities, enabling access to professional learning and supports, leveraging funding  
28 sources and managing innovation funds.

29 (c) Recommending statutory and agency rule changes needed to support the purposes of the  
30 council.

31 (d) Supporting programs that help to achieve the purposes of the Educators Equity Act.

32 (e) Supporting a statewide plan for increasing:

33 (A) The supply of culturally diverse teacher candidates; and

34 (B) The successful recruitment of effective educators to work in high-need schools and in prac-  
35 tice areas with a shortage of educators.

36 (f) Identifying high-leverage educator practices to be developed by educators throughout their  
37 careers.

38 (g) Providing accountability of the council by ensuring that the council:

39 (A) Gives preference, when making recommendations about funding distributions, to entities that  
40 have demonstrated success in improving student indicators.

41 (B) Considers the delivery of services for the benefit of all regions of this state when establish-  
42 ing the system of educator networks.

43 (C) Works toward improving student progress indicators identified by the Department of Edu-  
44 cation or set forth in ORS 350.014.

45 (D) Includes and connects education providers and leaders from prekindergarten through post-

1 secondary education.

2 (h) Providing staff support for the administrative functions of the council.

3 (i) Developing a system that allows for the statewide dissemination of emerging practices and  
4 evidence-based models.

5 (j) Providing technical assistance to the council, including online systems for sharing profes-  
6 sional learning resources and supporting educator networks.

7 (k) Administering the distribution of grant and contract funds for programs described in this  
8 section.

9 (L) Providing administrative support to the educator networks, including:

10 (A) Making recommendations to the council about the selection of the sponsors of educator  
11 networks;

12 (B) Providing technical assistance to educator networks; and

13 (C) Entering into grant agreements or contracts for the distribution of funds to educator net-  
14 works.

15 [(6)(a)] **(8)(a)** The State Board of Education and the Teacher Standards and Practices Commis-  
16 sion may adopt any rules necessary at the request of the council to support the council or to per-  
17 form any duties assigned to the board or commission under this section.

18 (b) The council may adopt rules pursuant to ORS chapter 183 for the purpose of ORS 342.943.

19 **(9) The council shall be considered a board for purposes of ORS chapter 180.**

20  
21 **PUBLIC CHARTER SCHOOL EQUITY**

22  
23 **SECTION 15.** Section 16 of this 2021 Act is added to and made a part of ORS chapter 327.

24 **SECTION 16.** (1) As used in this section:

25 (a) “ADMw” means weighted average daily membership, as calculated under ORS 327.013.

26 (b) “Eligible public charter school” means a public charter school that is not a virtual  
27 public charter school, as defined in ORS 338.005, and that has a student population of which  
28 at least 65 percent of the total student population is composed of students from the following  
29 combined student groups:

30 (A) Racial or ethnic groups that have historically experienced academic disparities, as  
31 described in ORS 327.180 (2)(b)(B); and

32 (B) Students with disabilities, as described in ORS 327.180 (2)(b)(C).

33 (2) In addition to those moneys distributed through the State School Fund, the Depart-  
34 ment of Education shall award grants under this section to eligible public charter schools  
35 from the Statewide Education Initiatives Account.

36 (3) The amount of a grant awarded to an eligible public charter school under this section  
37 = the public charter school’s ADMw × the difference between:

38 (a) The amount of the General Purpose Grant per ADMw for the school district that has  
39 contractually established payment for the provision of educational services to the public  
40 charter school’s students under ORS 338.155 (2) or (3); and

41 (b) The amount of the General Purpose Grant per ADMw that the public charter school  
42 receives under a contract for the provision of educational services to the public charter  
43 school’s students under ORS 338.155 (2) or (3).

44 (4) The purpose of grants distributed under this section shall be to increase academic  
45 achievement, including reducing academic disparities, for:

1 (a) Students from racial or ethnic groups that have historically experienced academic  
2 disparities, as determined under rules adopted by the State Board of Education; and

3 (b) Students with disabilities.

4 (5) Any eligible public charter school may apply for and receive a grant as provided by  
5 this section. A grant application must:

6 (a) Describe how grant moneys will be used to advance the purpose described in sub-  
7 section (4) of this section.

8 (b) Specify the supports that will be:

9 (A) Provided to students with a disability; or

10 (B) Used to enhance special education and related services that are provided by a school  
11 district under ORS 338.165 to the students of the public charter school.

12 (c) Identify any applicable longitudinal performance growth targets for the public charter  
13 school that have been established:

14 (A) Under contract between the public charter school and the sponsor of the public  
15 charter school; or

16 (B) By the public charter school or the school district in which the public charter school  
17 is located for purposes of grants from the Student Investment Account, as provided by ORS  
18 327.190.

19 (d) Be submitted based on the timelines and forms prescribed by the department.

20 (6)(a) If the department determines that a grant application complies with the require-  
21 ments prescribed under this section, the department shall enter into a grant agreement with  
22 the eligible public charter school.

23 (b) A grant agreement must include longitudinal performance growth targets for the  
24 public charter school. If the grant application identified longitudinal performance growth  
25 targets, those targets shall be included in the grant agreement. If the grant application did  
26 not identify longitudinal performance growth targets, the public charter school shall collab-  
27 orate with the department to develop longitudinal performance growth targets. Longitudinal  
28 performance growth targets must:

29 (A) Be based on data available for longitudinal analysis; and

30 (B) Use the following applicable metrics:

31 (i) Third-grade reading proficiency rates, as defined in ORS 327.190;

32 (ii) Regular attendance rates, as defined in ORS 327.190; and

33 (iii) Any other metrics identified by the department in collaboration with the public  
34 charter school.

35 (7) After the department and the public charter school have entered into a grant agree-  
36 ment, the department shall award a grant to the public charter school in the amount calcu-  
37 lated under subsection (3) of this section. A grant recipient shall deposit grant moneys  
38 received under this section into a separate account and shall apply the amounts in that ac-  
39 count as provided by the grant agreement.

40 (8)(a) Each year, each grant recipient must submit to the department a description of:

41 (A) How grant moneys received under this section were used to advance the purpose  
42 described in subsection (4) of this section and to meet performance growth targets in the  
43 grant agreement; and

44 (B) Progress made by the grant recipient toward meeting the performance growth tar-  
45 gets in the grant agreement.

1       **(b) A grant recipient shall provide the information required under this subsection based**  
2 **on the timelines and forms prescribed by the department. To the greatest extent practicable,**  
3 **the department shall accept the information described in this subsection in the manner that**  
4 **it is made available by a public charter school to the sponsor of the public charter school.**

5       **(9) To the greatest extent practicable, any requirements prescribed by the department**  
6 **or the board under this section in relation to an application, a grant agreement or the sub-**  
7 **mission of information under subsection (8) of this section shall reduce any redundancies**  
8 **between a grant awarded under this section and a grant awarded from the Student Invest-**  
9 **ment Account. Reduction in redundancies includes accepting for the purposes of grants**  
10 **awarded under this section any applicable forms or information submitted by the public**  
11 **charter school to the department or a school district for the purposes of a grant awarded**  
12 **from the Student Investment Account.**

13       **(10) A public charter school and a school district may not consider moneys received by**  
14 **the public charter school under this section when establishing payment for the provision of**  
15 **educational services to the public charter school's students under ORS 338.155 (2) or (3).**

16       **(11) The State Board of Education shall adopt any rules necessary for the distribution**  
17 **of grants under this section.**

18       **SECTION 17.** ORS 327.254 is amended to read:

19       327.254. (1) The Department of Education shall use moneys in the Statewide Education Initi-  
20 atives Account to provide funding for statewide education initiatives, including:

21       (a) Funding the High School Graduation and College and Career Readiness Act at the levels  
22 prescribed by ORS 327.856;

23       (b) Expanding school breakfast and lunch programs;

24       (c) Operating youth reengagement programs or providing youth reengagement services;

25       (d) Establishing and maintaining the Statewide School Safety and Prevention System under ORS  
26 339.341;

27       (e) Developing and providing statewide equity initiatives, including the black or African-  
28 American education plan developed under ORS 329.841, the American Indian or Alaskan Native ed-  
29 ucation plan developed under ORS 329.843, the Latino or Hispanic education plan developed under  
30 ORS 329.845 or any similar education plan identified by the department;

31       (f) Providing summer learning programs at schools that are considered high poverty under Title  
32 I of the federal Elementary and Secondary Education Act of 1965;

33       (g) Funding early warning systems to assist students in graduating from high school, as de-  
34 scribed in ORS 327.367;

35       (h) Developing and implementing professional development programs and training programs, in-  
36 cluding programs that increase educator diversity and retain diverse educators;

37       (i) Planning for increased transparency and accountability in the public education system of this  
38 state;

39       (j) Providing additional funding to school districts participating in the intensive program under  
40 ORS 327.222;

41       (k) Providing technical assistance, including costs incurred for:

42       (A) The coaching program described in ORS 327.214; and

43       (B) The intensive program described in ORS 327.222, including costs for student success teams;

44       **(L) Funding public charter schools, as described in section 16 of this 2021 Act;**

45       **[(L)] (m) Funding education service districts, as described in subsection (2) of this section; and**





